

TOWN OF FREDERICK, COLORADO
ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, REVISING CHAPTER 10, ARTICLE XIII, SECTION 10-261 OF FREDERICK MUNICIPAL CODE, ENTITLED "DEFINITIONS," AND REVISING CHAPTER 10, ARTICLE XIII, SECTION 10-262 OF THE FREDERICK MUNICIPAL CODE, ENTITLED "UNLAWFUL USE, POSSESSION, PENALTY."

WHEREAS, the Board of Trustees finds that it is appropriate and necessary to revise the municipal code provisions related to fireworks, as set forth at Chapter 10, Article XIII; and

WHEREAS, the Board finds that the enactment of this ordinance is in the best interest of the health, safety and welfare of the citizens of the town.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1. Chapter 10, Article XIII, Section 10-261 of the Frederick Municipal Code, specifically the definition of "fireworks," is hereby amended to read as follows:

Sec. 10-261. Definitions.

Permissible fireworks means items listed as permissible fireworks herein designed primarily to produce visual or audible effects by combustion, including certain devices designed to produce audible or visual effects; except that no device or component shall, upon functioning, project or disburse any metal, glass, or brittle plastic fragments. Permissible fireworks may include the following: cylindrical fountains, wheels, ground spinners, illuminating torches, colored fire, dipped sticks, sparklers, snakes, glow worms. All other fireworks, as defined below, are unlawful, including, but not limited to, fire crackers, M-80s, aerial shells, torpedoes, skyrockets, pop-bottle rockets and roman candles.

Fireworks means any article, device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation, including without limitation, the following articles and devices commonly known and used as fireworks: toy canons or toy canes in which explosives are used, blank cartridges, the type of balloon which requires fire underneath to propel the same, fire crackers, M - 80s, aerial shells, torpedoes, skyrockets, rockets, pop bottle rockets, roman candles, Day-Glo bombs and torches, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other deice containing any explosives substance.

Fireworks does not include:

a. Toy caps, party poppers, and items similar to toy caps and party poppers that do not contain more than sixteen milligrams of pyrotechnic composition per item and snappers that do not contain more than one milligram of explosive composition per item;

b. Highway flares, railway fuses, smoke candles and other emergency signal devices;

c. Educational rockets and toy propellant device type engines used in such rockets when such rockets are of nonmetallic construction and utilize replaceable engines or model cartridges containing less than two ounces of propellant and when such engines or model cartridges are designed to be ignited by electric means;

d. Fireworks which are used in testing or research by a licensed explosives laboratory.

[note: the remaining definitions listed in Sec. 10-261 are hereby affirmed as previously adopted and published.]

Section 2. Chapter 10, Article XIII, Section 10-262 of the Frederick Municipal Code, is hereby repealed and re-enacted to read as follows:

Sec. 10-262. Unlawful use, possession, penalty.

(a) It is unlawful for any person to possess, store, offer for sale, discharge or cause to be discharged any firework(s) within the Town limits, whether on public or private property. Any person or entity granted a lawful permit by the Town for the display of fireworks, shall be excepted from this subsection.

(b) It is unlawful for any parent or other adult responsible for the immediate care and safety of the minor child(ren), to fail to adequately supervise any minor child(ren) under the age of sixteen years, in the use of any permissible fireworks within the Town limits.

(c) Any person convicted of violating this Section shall be subject to the penalties set forth in Section 10-7(d).

Section 3. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 4. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have

passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 5: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS
12th day of October, 2010.

TOWN OF FREDERICK

By: _____
Eric E. Doering, Mayor

ATTEST:

By _____
Nanette S. Fornof, MMC
Town Clerk